

MEMORANDUM FOR: Director of Central Intelligence

**SUBJECT: Legislative Steps Necessary for Enactment of S. 1035
(Constitutional Rights of Federal Employees)**

1. The following points may be useful as background for a discussion with Senator Ervin on the above subject.

2. Before being enacted into law, S. 1035 must:

a. be reported out by the Henderson Subcommittee;

b. be reported out by the full House Post Office and Civil Service Committee;

c. be given a priority position on the House Calendar. Normally legislation is placed on the Calendar in the order in which it is reported to the House. For any item to be advanced beyond its normal position on the Calendar, the Rules Committee must report a resolution which in turn must be passed by a majority of the full House. In present circumstances it appears unlikely that the Rules Committee would recommend S. 1035 for a sufficiently high priority on the Calendar to permit its passage during this session.

d. be passed by the House;

e. if amended by the House, either be passed by the Senate with amendments, or go to a conference committee of Senate and House representatives. House representatives in such a committee are appointed by the Speaker and Senate representatives by the Presiding Officer. Normally

recommendations of the respective chairmen of the committees handling the bill govern the designation of conferees. We would expect that Senators Eastland (who voted against the bill) and Ervin, and Representative Henderson would be included among the conferees.

f. be signed by the President.

3. Possible future developments:

a. the House might report out and pass the bill without amendments.

b. the House might amend Section 6 (which deals with exemptions) by broadening the present provisions, perhaps authorizing the President to designate agencies and functions to which the bill should not apply.

c. the House might strike out all but the enabling clause of S. 1035 and substitute for the remainder the provisions of H. R. 17760 (the Henderson bill), perhaps with broadened exemptions. (Senator Ervin has publicly stated he would not accept this solution.)

d. The Henderson Subcommittee might continue hearings and delay preparation of a report until the bill dies with adjournment of the Congress. (This is the course favored by our friends on the House Subcommittee, such as Henderson and Derwinski, and seems to offer a fair chance of success.)

e. Senator Ervin might attach his bill as a rider to legislation under consideration by the Senate (other than an appropriation bill) already passed by the House and which the House strongly favors.

SIGNED

JOHN M. MAURY
Legislative Counsel

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28 June 1968

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Robert Michaels, Staff Member, House Appropriations Subcommittee

1. At the Director's request I met today with Bob Michaels to talk about our Fiscal Year 1969 budget. Jack Maury accompanied me.

2. I referred to the discussion which John Clarke had with Bob yesterday in which Bob had indicated off the record that the Subcommittee might reduce our budget request by approximately [redacted]. I told Bob that, while our budget submission was not fat, we fully expected to take our fair share of the [redacted] reduction in expenditures in Fiscal Year 1969. Our concern is that both the Congress and the Bureau of the Budget will want to take credit for these cuts and we can't take them twice. Bob said that he recognized that there was this danger, but went on to say that it was clearly not the intent of Congress that this be the case. In other words, the total reduction from the President's request, regardless of whether the reductions are made by the Congress or the President, is expected to be [redacted]

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3. In discussing the problem further, Bob said that he thought the Congress would be quite specific as to where they wanted New Obligational Authority (NOA) reduced (which, incidentally, is to be reduced by [redacted] but that they would not be specific as to where the [redacted] reduction in expenditures was to take place, leaving this to the President's discretion. Even though in our case there is no difference between NOA and expenditures, the risk, however great or small, remains.

4. Bob recognized also that, depending on how the President wants to play the personnel reduction, we could have further trouble. More specifically, since we are already below our 30 June 1966

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ceiling, we would be all right if the President lets us alone. If he insists that, notwithstanding our favorable situation, we fill only three of every four vacancies, we could be in trouble. Bob seemed completely sympathetic to our situation and said that he would ensure that the Subcommittee fully understood it also.

5. I requested that in the letter which they write on our appropriations they include some language which would give us as much protection as possible. Bob said that he certainly would try to do this, but he could not predict what the sentiments of the Subcommittee might be. He went on to say that they were not building any kind of fence around DIA or NSA; in fact, he anticipated the Subcommittee would take a fairly sizeable chunk of money from their appropriations. He was therefore not sure that they would be willing to, as he put it, "build a fence around CIA." I repeated my request that he give us as much protection as possible, and he assured me that he would do the best he could.

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6. I then told Bob about the USIB action yesterday on [] and told him that I was concerned about his admonition to John Clarke that we might not be able to start any new projects. He said that it was clear from the Conference Report that in general this would be the case for the duration of the continuing resolution and that our best bet was to make sure that we had something going during Fiscal Year 1968 so that it would not be tagged as a brand new project. I asked him if people who were researching the project, planning for it, or doing site surveys and this sort of thing would qualify. He seemed to think it would and, in fact, encouraged me to dredge up anything I could to support the contention that the project was already under way on some scale during Fiscal Year 1968. He said that, in effect, this restrictive language would be only for the duration of the continuing resolution and that unless we should have to get a Reserve release before 3 August we would probably not have any problem.

7. Bob went on to say that they hoped to wrap up the Defense appropriation bill before the adjournment or recess now scheduled for 3 August. He seemed to be reasonably optimistic that this could be done unless there is a filibuster over something like the President's recent Supreme Court nominations, in which case the bill couldn't get through the Congress until September at the earliest.

/s/ L. K. White

cc: D/PPB

L. K. White

Legislative Counsel

Executive Director - Comptroller

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